

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

HOWARD RUSSELL SCALES,
Plaintiff,
VS.
CHARLES TRAUGHER, et al.,
Defendants.

No. 1-04-1312-T-An

ORDER DENYING DEFENDANTS' MOTION TO DISMISS AS MOOT

Plaintiff Howard Russell Scales, inmate number 109183 at the Northwest Correctional Complex in Tiptonville, Tennessee, brought this action pursuant to 42 U.S.C. § 1983, alleging that his due process rights were violated during his parole hearing on August 2, 2004. Defendants filed this motion to dismiss under Fed. R. Civ. 12(b)(6). However, since the motion was filed, Plaintiff has dismissed his claim against Defendants because he was granted parole. Consequently, Defendants' motion to dismiss is DENIED as moot.

IT IS SO ORDERED,

JAMES D. TODD
JAMES D. TODD
UNITED STATES DISTRICT JUDGE
28 July 2005
DATE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 7/29/05



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Honorable James Todd
US DISTRICT COURT